



Rep. John E. Bradley

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1 AMENDMENT TO HOUSE BILL 1032

2 AMENDMENT NO. _____. Amend House Bill 1032 by replacing
3 everything after the enacting clause with the following:

4 "ARTICLE 1. REPEALS

5 (820 ILCS 305/Act rep.)

6 Section 1-5. The Workers' Compensation Act is repealed.

7 (820 ILCS 310/Act rep.)

8 Section 1-10. The Workers' Occupational Diseases Act is
9 repealed.

10 ARTICLE 5. TRANSFER AND TRANSITION

11 Section 5-1. Short title. This Article 5 may be cited as
12 the Workers' Compensation and Workers' Occupational Diseases
13 Transfer and Transition Act. All references in this Article to

1 "this Act" mean this Article.

2 Section 5-5. Definitions. As used in this Act:

3 "Cause of action" includes a cause of action for
4 compensation or treatment for accidental injury or death
5 arising out of and in the course of employment and a cause of
6 action for compensation or treatment for a disease or death
7 arising out of and in the course of the employment or which has
8 become aggravated and rendered disabling as a result of the
9 exposure of the employment.

10 "Commission" means the Illinois Workers' Compensation
11 Commission.

12 "Department" means the Department of Labor.

13 "Director" means the Director of Labor.

14 Section 5-10. General provisions.

15 (a) Except as otherwise provided in this Act, the
16 provisions of the repealed Workers' Compensation Act and the
17 repealed Workers' Occupational Diseases Act do not apply to any
18 cause of action accruing on or after January 1, 2012.

19 (b) On January 1, 2012, the Commission is divested of
20 jurisdiction over all actions over which it had jurisdiction on
21 December 31, 2011. Except for claims against the State that are
22 subject to Section 8 of the Court of Claims Act, all actions
23 over which the Commission had jurisdiction on December 31, 2011
24 are transferred to the Supreme Court for assignment to the

1 circuit courts, which assume jurisdiction over those actions on
2 January 1, 2012. Each such action shall be decided in
3 accordance with the substantive law that was in effect when the
4 cause of action accrued. Procedure shall be governed by court
5 rule. The Commission shall deliver to the Supreme Court all
6 records, documents, communications, and other materials in its
7 possession relating to those actions and relating to all
8 actions that are on appeal, actions for which the time for
9 filing an appeal has not expired, and actions that may be
10 subject to modification. In an action pending before any court,
11 the Court of Claims, or other tribunal on January 1, 2012 in
12 which the Commission is a party, the Department shall be
13 substituted for the Commission as a party. When the Department
14 is substituted for the Commission as a party, the Commission
15 shall deliver to the Department copies of all records,
16 documents, communications, and other materials in its
17 possession relating to the action.

18 (c) Except for claims against the State that are subject to
19 Section 8 of the Court of Claims Act, if a cause of action
20 accrued before January 1, 2012, an action may be brought in the
21 circuit court within the time limits that were in effect when
22 the cause of action accrued. The action shall be decided in
23 accordance with the substantive law that was in effect when the
24 cause of action accrued. Procedure shall be governed by court
25 rule.

26 (d) An appeal pending under the Workers' Compensation Act

1 or the Workers' Occupational Diseases Act in the Supreme Court
2 or Appellate Court on or after January 1, 2012 that
3 subsequently requires a remand shall be remanded to the
4 appropriate court.

5 (e) An appeal pending under the Workers' Compensation Act
6 or the Workers' Occupational Diseases Act in a circuit court on
7 or after January 1, 2012 may not be remanded by the circuit
8 court. The circuit court shall enter a final judgment or order
9 fully disposing of any such appeal.

10 (f) If a cause of action accrued before January 1, 2012,
11 venue shall lie in the county in which the alleged accidental
12 injury or last exposure occurred, unless the alleged accidental
13 injury or last exposure occurred outside Illinois and the
14 claimant resides in Illinois, in which case venue shall lie in
15 the county in which the claimant resides. In matters not
16 covered by the preceding sentence in which the cause of action
17 accrued before January 1, 2012, venue shall lie in either
18 Sangamon County, Cook County, or a county in which a person
19 alleged to have violated the Workers' Compensation Act or the
20 Workers' Occupational Diseases Act is located.

21 Section 5-15. Abolition of Commission; succession. Upon
22 carrying out its responsibilities under this Act, the
23 Commission is abolished. For purposes of the Successor Agency
24 Act and Section 9b of the State Finance Act, the Department is
25 the successor to the Commission. Except as otherwise provided

1 in subsection (b) of Section 5-10, the Department succeeds to
2 and assumes all powers, duties, rights, responsibilities,
3 personnel, assets, liabilities, and indebtedness of the
4 Commission. Any reference in any law, rule, form, or other
5 document to the Commission is deemed to be a reference to the
6 Department, except in the case of references in any law, rule,
7 form, or other document to the Commission in its function as a
8 tribunal, in which case those references shall be deemed to be
9 references to the appropriate court. Transfers of personnel or
10 abolition of positions that are subject to the Personnel Code
11 shall be determined by the Department in accordance with the
12 Personnel Code.

13 Section 5-20. Temporary orders. In a proceeding arising
14 from a cause of action that accrues on or after January 1,
15 2012, the court may, notwithstanding the repeal of the Workers'
16 Compensation Act and the Workers' Occupational Diseases Act,
17 enter temporary orders providing for medical care,
18 rehabilitation, disability payments, and other appropriate
19 temporary relief in accordance with the relevant standards of
20 Section 8 of the Workers' Compensation Act as that Section
21 existed immediately before its repeal. A temporary order may be
22 revoked or modified before final judgment for good cause shown.
23 A temporary order terminates when a final judgment is entered
24 or when the action is dismissed.

1 Section 5-25. Funds. The Department shall administer the
2 Injured Workers' Benefit Fund, the Rate Adjustment Fund, the
3 Illinois Workers' Compensation Commission Operations Fund, the
4 Self-Insurers Administration Fund, the Self-Insurers Security
5 Fund, the Workers' Compensation Benefit Trust Fund, and the
6 Second Injury Fund. Subject to appropriation, the Department is
7 authorized to use those funds to pay obligations incurred under
8 the Workers' Compensation Act and the Workers' Occupational
9 Diseases Act, obligations incurred under the cases decided in
10 accordance with substantive provisions Workers' Compensation
11 Act and the Workers' Occupational Diseases Act as those Acts
12 existed before their repeal, obligations incurred in cases
13 decided under the provisions of the Workers' Compensation Act
14 and the Workers' Occupational Diseases Act as those Acts
15 existed before their repeal, and costs and expenses incurred by
16 the Department in carrying out its responsibilities under this
17 Act. Upon receiving written direction from the Director, the
18 Comptroller and Treasurer shall make transfers among any of the
19 Funds that are necessary to effectuate the purposes of this
20 Section.

21 Section 5-30. Employers, insurers, and other entities.

22 (a) The Department may bring an action in the circuit court
23 to impose penalties, other than criminal penalties, for a
24 violation of the Workers' Compensation Act or the Workers'
25 Occupational Diseases Act that occurred before January 1, 2012

1 or to enforce compliance by any person with any requirement of
2 the Workers' Compensation Act or the Workers' Occupational
3 Diseases Act applying to the person that existed before January
4 1, 2012.

5 (b) The Department and the Department of Insurance shall
6 adopt rules setting forth appropriate insurance or
7 self-insurance requirements for employers with respect to
8 their obligations to employees for causes of action accruing
9 before January 1, 2012.

10 (c) If an employer, insurer, or other entity was required
11 to pay contributions or assessments to the Commission under the
12 Workers' Compensation Act or the Workers' Occupational
13 Diseases Act for any period that began before January 1, 2012,
14 regardless of whether those payments were to be made before,
15 on, or after January 1, 2012, the employer, insurer, or other
16 entity shall pay those contributions or assessments accruing
17 through December 31, 2011 as though those Acts had not been
18 repealed. The Department shall ensure that those payments are
19 made in a timely fashion and shall adopt rules for the
20 collection of those payments and the imposition of appropriate
21 penalties for any failure to make timely payments.

22 Section 5-35. Offsets. To the extent any other benefits
23 were offset by the amount of payments under the Workers'
24 Compensation Act or the Workers' Occupational Diseases Act,
25 those benefits shall be offset by the amount of payments for

1 accidental injury or death arising out of and in the course of
2 employment or for a disease or death arising out of and in the
3 course of the employment or which has become aggravated and
4 rendered disabling as a result of the exposure of the
5 employment. To the extent the amount of payments under the
6 Workers' Compensation Act or the Workers' Occupational
7 Diseases Act were offset by any other benefits, the amount of
8 payments for accidental injury or death arising out of and in
9 the course of employment or for a disease or death arising out
10 of and in the course of the employment or which has become
11 aggravated and rendered disabling as a result of the exposure
12 of the employment shall be offset by those benefits.

13 Section 5-900. The Department of Central Management
14 Services Law of the Civil Administrative Code of Illinois is
15 amended by changing Sections 405-105 and 405-411 as follows:

16 (20 ILCS 405/405-105) (was 20 ILCS 405/64.1)

17 Sec. 405-105. Fidelity, surety, property, and casualty
18 insurance. The Department shall establish and implement a
19 program to coordinate the handling of all fidelity, surety,
20 property, and casualty insurance exposures of the State and the
21 departments, divisions, agencies, branches, and universities
22 of the State. In performing this responsibility, the Department
23 shall have the power and duty to do the following:

24 (1) Develop and maintain loss and exposure data on all

1 State property.

2 (2) Study the feasibility of establishing a
3 self-insurance plan for State property and prepare
4 estimates of the costs of reinsurance for risks beyond the
5 realistic limits of the self-insurance.

6 (3) Prepare a plan for centralizing the purchase of
7 property and casualty insurance on State property under a
8 master policy or policies and purchase the insurance
9 contracted for as provided in the Illinois Purchasing Act.

10 (4) Evaluate existing provisions for fidelity bonds
11 required of State employees and recommend changes that are
12 appropriate commensurate with risk experience and the
13 determinations respecting self-insurance or reinsurance so
14 as to permit reduction of costs without loss of coverage.

15 (5) Investigate procedures for inclusion of school
16 districts, public community college districts, and other
17 units of local government in programs for the centralized
18 purchase of insurance.

19 (6) Implement recommendations of the State Property
20 Insurance Study Commission that the Department finds
21 necessary or desirable in the performance of its powers and
22 duties under this Section to achieve efficient and
23 comprehensive risk management.

24 (7) Prepare and, in the discretion of the Director,
25 implement a plan providing for the purchase of public
26 liability insurance or for self-insurance for public

1 liability or for a combination of purchased insurance and
2 self-insurance for public liability (i) covering the State
3 and drivers of motor vehicles owned, leased, or controlled
4 by the State of Illinois pursuant to the provisions and
5 limitations contained in the Illinois Vehicle Code, (ii)
6 covering other public liability exposures of the State and
7 its employees within the scope of their employment, and
8 (iii) covering drivers of motor vehicles not owned, leased,
9 or controlled by the State but used by a State employee on
10 State business, in excess of liability covered by an
11 insurance policy obtained by the owner of the motor vehicle
12 or in excess of the dollar amounts that the Department
13 shall determine to be reasonable. Any contract of insurance
14 let under this Law shall be by bid in accordance with the
15 procedure set forth in the Illinois Purchasing Act. Any
16 provisions for self-insurance shall conform to subdivision
17 (11).

18 The term "employee" as used in this subdivision (7) and
19 in subdivision (11) means a person while in the employ of
20 the State who is a member of the staff or personnel of a
21 State agency, bureau, board, commission, committee,
22 department, university, or college or who is a State
23 officer, elected official, commissioner, member of or ex
24 officio member of a State agency, bureau, board,
25 commission, committee, department, university, or college,
26 or a member of the National Guard while on active duty

1 pursuant to orders of the Governor of the State of
2 Illinois, or any other person while using a licensed motor
3 vehicle owned, leased, or controlled by the State of
4 Illinois with the authorization of the State of Illinois,
5 provided the actual use of the motor vehicle is within the
6 scope of that authorization and within the course of State
7 service.

8 Subsequent to payment of a claim on behalf of an
9 employee pursuant to this Section and after reasonable
10 advance written notice to the employee, the Director may
11 exclude the employee from future coverage or limit the
12 coverage under the plan if (i) the Director determines that
13 the claim resulted from an incident in which the employee
14 was grossly negligent or had engaged in willful and wanton
15 misconduct or (ii) the Director determines that the
16 employee is no longer an acceptable risk based on a review
17 of prior accidents in which the employee was at fault and
18 for which payments were made pursuant to this Section.

19 The Director is authorized to promulgate
20 administrative rules that may be necessary to establish and
21 administer the plan.

22 Appropriations from the Road Fund shall be used to pay
23 auto liability claims and related expenses involving
24 employees of the Department of Transportation, the
25 Illinois State Police, and the Secretary of State.

26 (8) Charge, collect, and receive from all other

1 agencies of the State government fees or monies equivalent
2 to the cost of purchasing the insurance.

3 (9) Establish, through the Director, charges for risk
4 management services rendered to State agencies by the
5 Department. The State agencies so charged shall reimburse
6 the Department by vouchers drawn against their respective
7 appropriations. The reimbursement shall be determined by
8 the Director as amounts sufficient to reimburse the
9 Department for expenditures incurred in rendering the
10 service.

11 The Department shall charge the employing State agency
12 or university for workers' compensation payments or
13 court-ordered payments for temporary total disability paid
14 to any employee after the employee has received temporary
15 total disability payments for 120 days if the employee's
16 treating physician has issued a release to return to work
17 with restrictions and the employee is able to perform
18 modified duty work but the employing State agency or
19 university does not return the employee to work at modified
20 duty. Modified duty shall be duties assigned that may or
21 may not be delineated as part of the duties regularly
22 performed by the employee. Modified duties shall be
23 assigned within the prescribed restrictions established by
24 the treating physician and the physician who performed the
25 independent medical examination. The amount of all
26 reimbursements shall be deposited into the Workers'

1 Compensation Revolving Fund which is hereby created as a
2 revolving fund in the State treasury. In addition to any
3 other purpose authorized by law, moneys in the Fund shall
4 be used, subject to appropriation, to pay these or other
5 temporary total disability claims of employees of State
6 agencies and universities.

7 Beginning with fiscal year 1996, all amounts recovered
8 by the Department through subrogation in workers'
9 compensation and workers' occupational disease cases or
10 other cases for compensation or treatment for accidental
11 injury or death arising out of and in the course of
12 employment or for compensation or treatment for a disease
13 or death arising out of and in the course of the employment
14 or which has become aggravated and rendered disabling as a
15 result of the exposure of the employment shall be deposited
16 into the Workers' Compensation Revolving Fund created
17 under this subdivision (9).

18 (10) Establish rules, procedures, and forms to be used
19 by State agencies in the administration and payment of
20 workers' compensation claims. The Department shall
21 initially evaluate and determine the compensability of any
22 injury that is the subject of a workers' compensation claim
23 and provide for the administration and payment of such a
24 claim for all State agencies. The Director may delegate to
25 any agency with the agreement of the agency head the
26 responsibility for evaluation, administration, and payment

1 of that agency's claims.

2 (11) Any plan for public liability self-insurance
3 implemented under this Section shall provide that (i) the
4 Department shall attempt to settle and may settle any
5 public liability claim filed against the State of Illinois
6 or any public liability claim filed against a State
7 employee on the basis of an occurrence in the course of the
8 employee's State employment; (ii) any settlement of such a
9 claim is not subject to fiscal year limitations and must be
10 approved by the Director and, in cases of settlements
11 exceeding \$100,000, by the Governor; and (iii) a settlement
12 of any public liability claim against the State or a State
13 employee shall require an unqualified release of any right
14 of action against the State and the employee for acts
15 within the scope of the employee's employment giving rise
16 to the claim.

17 Whenever and to the extent that a State employee
18 operates a motor vehicle or engages in other activity
19 covered by self-insurance under this Section, the State of
20 Illinois shall defend, indemnify, and hold harmless the
21 employee against any claim in tort filed against the
22 employee for acts or omissions within the scope of the
23 employee's employment in any proper judicial forum and not
24 settled pursuant to this subdivision (11), provided that
25 this obligation of the State of Illinois shall not exceed a
26 maximum liability of \$2,000,000 for any single occurrence

1 in connection with the operation of a motor vehicle or
2 \$100,000 per person per occurrence for any other single
3 occurrence, or \$500,000 for any single occurrence in
4 connection with the provision of medical care by a licensed
5 physician employee.

6 Any claims against the State of Illinois under a
7 self-insurance plan that are not settled pursuant to this
8 subdivision (11) shall be heard and determined by the Court
9 of Claims and may not be filed or adjudicated in any other
10 forum. The Attorney General of the State of Illinois or the
11 Attorney General's designee shall be the attorney with
12 respect to all public liability self-insurance claims that
13 are not settled pursuant to this subdivision (11) and
14 therefore result in litigation. The payment of any award of
15 the Court of Claims entered against the State relating to
16 any public liability self-insurance claim shall act as a
17 release against any State employee involved in the
18 occurrence.

19 (12) Administer a plan the purpose of which is to make
20 payments on final settlements or final judgments in
21 accordance with the State Employee Indemnification Act.
22 The plan shall be funded through appropriations from the
23 General Revenue Fund specifically designated for that
24 purpose, except that indemnification expenses for
25 employees of the Department of Transportation, the
26 Illinois State Police, and the Secretary of State shall be

1 paid from the Road Fund. The term "employee" as used in
2 this subdivision (12) has the same meaning as under
3 subsection (b) of Section 1 of the State Employee
4 Indemnification Act. Subject to sufficient appropriation,
5 the Director shall approve payment of any claim, without
6 regard to fiscal year limitations, presented to the
7 Director that is supported by a final settlement or final
8 judgment when the Attorney General and the chief officer of
9 the public body against whose employee the claim or cause
10 of action is asserted certify to the Director that the
11 claim is in accordance with the State Employee
12 Indemnification Act and that they approve of the payment.
13 In no event shall an amount in excess of \$150,000 be paid
14 from this plan to or for the benefit of any claimant.

15 (13) Administer a plan the purpose of which is to make
16 payments on final settlements or final judgments for
17 employee wage claims in situations where there was an
18 appropriation relevant to the wage claim, the fiscal year
19 and lapse period have expired, and sufficient funds were
20 available to pay the claim. The plan shall be funded
21 through appropriations from the General Revenue Fund
22 specifically designated for that purpose.

23 Subject to sufficient appropriation, the Director is
24 authorized to pay any wage claim presented to the Director
25 that is supported by a final settlement or final judgment
26 when the chief officer of the State agency employing the

1 claimant certifies to the Director that the claim is a
2 valid wage claim and that the fiscal year and lapse period
3 have expired. Payment for claims that are properly
4 submitted and certified as valid by the Director shall
5 include interest accrued at the rate of 7% per annum from
6 the forty-fifth day after the claims are received by the
7 Department or 45 days from the date on which the amount of
8 payment is agreed upon, whichever is later, until the date
9 the claims are submitted to the Comptroller for payment.
10 When the Attorney General has filed an appearance in any
11 proceeding concerning a wage claim settlement or judgment,
12 the Attorney General shall certify to the Director that the
13 wage claim is valid before any payment is made. In no event
14 shall an amount in excess of \$150,000 be paid from this
15 plan to or for the benefit of any claimant.

16 Nothing in Public Act 84-961 shall be construed to
17 affect in any manner the jurisdiction of the Court of
18 Claims concerning wage claims made against the State of
19 Illinois.

20 (14) Prepare and, in the discretion of the Director,
21 implement a program for self-insurance for official
22 fidelity and surety bonds for officers and employees as
23 authorized by the Official Bond Act.

24 (Source: P.A. 96-928, eff. 6-15-10.)

25 (20 ILCS 405/405-411)

1 Sec. 405-411. Consolidation of workers' compensation
2 functions.

3 (a) Notwithstanding any other law to the contrary, the
4 Director of Central Management Services, working in
5 cooperation with the Director of any other agency, department,
6 board, or commission directly responsible to the Governor, may
7 direct the consolidation, within the Department of Central
8 Management Services, of those workers' compensation functions
9 at that agency, department, board, or commission that are
10 suitable for centralization.

11 Upon receipt of the written direction to transfer workers'
12 compensation functions to the Department of Central Management
13 Services, the personnel, equipment, and property (both real and
14 personal) directly relating to the transferred functions shall
15 be transferred to the Department of Central Management
16 Services, and the relevant documents, records, and
17 correspondence shall be transferred or copied, as the Director
18 may prescribe.

19 (b) Upon receiving written direction from the Director of
20 Central Management Services, the Comptroller and Treasurer are
21 authorized to transfer the unexpended balance of any
22 appropriations related to the workers' compensation functions
23 transferred to the Department of Central Management Services
24 and shall make the necessary fund transfers from the General
25 Revenue Fund, any special fund in the State treasury, or any
26 other federal or State trust fund held by the Treasurer to the

1 Workers' Compensation Revolving Fund for use by the Department
2 of Central Management Services in support of workers'
3 compensation functions or any other related costs or expenses
4 of the Department of Central Management Services.

5 (c) The rights of employees and the State and its agencies
6 under the Personnel Code and applicable collective bargaining
7 agreements or under any pension, retirement, or annuity plan
8 shall not be affected by any transfer under this Section.

9 (d) The functions transferred to the Department of Central
10 Management Services by this Section shall be vested in and
11 shall be exercised by the Department of Central Management
12 Services. Each act done in the exercise of those functions
13 shall have the same legal effect as if done by the agencies,
14 offices, divisions, departments, bureaus, boards and
15 commissions from which they were transferred.

16 Every person or other entity shall be subject to the same
17 obligations and duties and any penalties, civil or criminal,
18 arising therefrom, and shall have the same rights arising from
19 the exercise of such rights, powers, and duties as had been
20 exercised by the agencies, offices, divisions, departments,
21 bureaus, boards, and commissions from which they were
22 transferred.

23 Whenever reports or notices are now required to be made or
24 given or papers or documents furnished or served by any person
25 in regards to the functions transferred to or upon the
26 agencies, offices, divisions, departments, bureaus, boards,

1 and commissions from which the functions were transferred, the
2 same shall be made, given, furnished or served in the same
3 manner to or upon the Department of Central Management
4 Services.

5 This Section does not affect any act done, ratified, or
6 cancelled or any right occurring or established or any action
7 or proceeding had or commenced in an administrative, civil, or
8 criminal cause regarding the functions transferred, but those
9 proceedings may be continued by the Department of Central
10 Management Services.

11 This Section does not affect the legality of any rules in
12 the Illinois Administrative Code regarding the functions
13 transferred in this Section that are in force on the effective
14 date of this Section. If necessary, however, the affected
15 agencies shall propose, adopt, or repeal rules, rule
16 amendments, and rule recodifications as appropriate to
17 effectuate this Section.

18 (e) On and after January 1, 2012, "workers' compensation
19 functions" also includes functions related to claims for
20 compensation or treatment for accidental injury or death
21 arising out of and in the course of employment and compensation
22 or treatment for a disease or death arising out of and in the
23 course of the employment or which has become aggravated and
24 rendered disabling as a result of the exposure of the
25 employment.

26 (Source: P.A. 93-839, eff. 7-30-04.)

1 Section 5-905. The State Finance Act is amended by changing
2 Section 6z-64 as follows:

3 (30 ILCS 105/6z-64)

4 Sec. 6z-64. The Workers' Compensation Revolving Fund.

5 (a) The Workers' Compensation Revolving Fund is created as
6 a revolving fund, not subject to fiscal year limitations, in
7 the State treasury. The following moneys shall be deposited
8 into the Fund:

9 (1) amounts authorized for transfer to the Fund from
10 the General Revenue Fund and other State funds (except for
11 funds classified by the Comptroller as federal trust funds
12 or State trust funds) pursuant to State law or Executive
13 Order;

14 (2) federal funds received by the Department of Central
15 Management Services (the "Department") as a result of
16 expenditures from the Fund;

17 (3) interest earned on moneys in the Fund;

18 (4) receipts or inter-fund transfers resulting from
19 billings issued by the Department to State agencies and
20 universities for the cost of workers' compensation
21 services rendered by the Department that are not
22 compensated through the specific fund transfers authorized
23 by this Section, if any;

24 (5) amounts received from a State agency or university

1 for workers' compensation payments or court-ordered
2 payments for temporary total disability, as provided in
3 Section 405-105 of the Department of Central Management
4 Services Law of the Civil Administrative Code of Illinois;
5 and

6 (6) amounts recovered through subrogation in workers'
7 compensation and workers' occupational disease cases or
8 other cases for compensation or treatment for accidental
9 injury or death arising out of and in the course of
10 employment or for compensation or treatment for a disease
11 or death arising out of and in the course of the employment
12 or which has become aggravated and rendered disabling as a
13 result of the exposure of the employment.

14 (b) Moneys in the Fund may be used by the Department for
15 reimbursement or payment for:

16 (1) providing workers' compensation services to State
17 agencies and State universities; ~~or~~

18 (2) providing for payment of administrative and other
19 expenses incurred by the Department in providing workers'
20 compensation services.

21 (c) State agencies may direct the Comptroller to process
22 inter-fund transfers or make payment through the voucher and
23 warrant process to the Workers' Compensation Revolving Fund in
24 satisfaction of billings issued under subsection (a) of this
25 Section.

26 (d) Reconciliation. For the fiscal year beginning on July

1 1, 2004 only, the Director of Central Management Services (the
 2 "Director") shall order that each State agency's payments and
 3 transfers made to the Fund be reconciled with actual Fund costs
 4 for workers' compensation services provided by the Department
 5 and attributable to the State agency and relevant fund on no
 6 less than an annual basis. The Director may require reports
 7 from State agencies as deemed necessary to perform this
 8 reconciliation.

9 (d-5) Notwithstanding any other provision of State law to
 10 the contrary, on or after July 1, 2005 and until June 30, 2006,
 11 in addition to any other transfers that may be provided for by
 12 law, at the direction of and upon notification of the Director
 13 of Central Management Services, the State Comptroller shall
 14 direct and the State Treasurer shall transfer amounts into the
 15 Workers' Compensation Revolving Fund from the designated funds
 16 not exceeding the following totals:

17	Mental Health Fund	\$17,694,000
18	Statistical Services Revolving Fund	\$1,252,600
19	Department of Corrections Reimbursement	
20	and Education Fund	\$1,198,600
21	Communications Revolving Fund	\$535,400
22	Child Support Administrative Fund	\$441,900
23	Health Insurance Reserve Fund	\$238,900
24	Fire Prevention Fund	\$234,100
25	Park and Conservation Fund	\$142,000
26	Motor Fuel Tax Fund	\$132,800

1	Illinois Workers' Compensation	
2	Commission Operations Fund	\$123,900
3	State Boating Act Fund	\$112,300
4	Public Utility Fund	\$106,500
5	State Lottery Fund	\$101,300
6	Traffic and Criminal Conviction	
7	Surcharge Fund	\$88,500
8	State Surplus Property Revolving Fund	\$82,700
9	Natural Areas Acquisition Fund	\$65,600
10	Securities Audit and Enforcement Fund	\$65,200
11	Agricultural Premium Fund	\$63,400
12	Capital Development Fund	\$57,500
13	State Gaming Fund	\$54,300
14	Underground Storage Tank Fund	\$53,700
15	Illinois State Medical Disciplinary Fund	\$53,000
16	Personal Property Tax Replacement Fund	\$53,000
17	General Professions Dedicated Fund	\$51,900
18	Total	\$23,003,100

19 (d-10) Notwithstanding any other provision of State law to
20 the contrary and in addition to any other transfers that may be
21 provided for by law, on the first day of each calendar quarter
22 of the fiscal year beginning July 1, 2005, or as soon as may be
23 practical thereafter, the State Comptroller shall direct and
24 the State Treasurer shall transfer from each designated fund
25 into the Workers' Compensation Revolving Fund amounts equal to
26 one-fourth of each of the following totals:

1	General Revenue Fund	\$34,000,000
2	Road Fund	\$25,987,000
3	Total	\$59,987,000

4 (d-12) Notwithstanding any other provision of State law to
5 the contrary and in addition to any other transfers that may be
6 provided for by law, on the effective date of this amendatory
7 Act of the 94th General Assembly, or as soon as may be
8 practical thereafter, the State Comptroller shall direct and
9 the State Treasurer shall transfer from each designated fund
10 into the Workers' Compensation Revolving Fund the following
11 amounts:

12	General Revenue Fund	\$10,000,000
13	Road Fund	\$5,000,000
14	Total	\$15,000,000

15 (d-15) Notwithstanding any other provision of State law to
16 the contrary and in addition to any other transfers that may be
17 provided for by law, on July 1, 2006, or as soon as may be
18 practical thereafter, the State Comptroller shall direct and
19 the State Treasurer shall transfer from each designated fund
20 into the Workers' Compensation Revolving Fund the following
21 amounts:

22	General Revenue Fund	\$44,028,200
23	Road Fund	\$28,084,000
24	Total	\$72,112,200

25 (d-20) Notwithstanding any other provision of State law to
26 the contrary, on or after July 1, 2006 and until June 30, 2007,

1 in addition to any other transfers that may be provided for by
2 law, at the direction of and upon notification of the Director
3 of Central Management Services, the State Comptroller shall
4 direct and the State Treasurer shall transfer amounts into the
5 Workers' Compensation Revolving Fund from the designated funds
6 not exceeding the following totals:

7	Mental Health Fund	\$19,121,800
8	Statistical Services Revolving Fund	\$1,353,700
9	Department of Corrections Reimbursement	
10	and Education Fund	\$1,295,300
11	Communications Revolving Fund	\$578,600
12	Child Support Administrative Fund	\$477,600
13	Health Insurance Reserve Fund	\$258,200
14	Fire Prevention Fund	\$253,000
15	Park and Conservation Fund	\$153,500
16	Motor Fuel Tax Fund	\$143,500
17	Illinois Workers' Compensation	
18	Commission Operations Fund	\$133,900
19	State Boating Act Fund	\$121,400
20	Public Utility Fund	\$115,100
21	State Lottery Fund	\$109,500
22	Traffic and Criminal Conviction Surcharge Fund ..	\$95,700
23	State Surplus Property Revolving Fund	\$89,400
24	Natural Areas Acquisition Fund	\$70,800
25	Securities Audit and Enforcement Fund	\$70,400
26	Agricultural Premium Fund	\$68,500

1	State Gaming Fund	\$58,600
2	Underground Storage Tank Fund	\$58,000
3	Illinois State Medical Disciplinary Fund	\$57,200
4	Personal Property Tax Replacement Fund	\$57,200
5	General Professions Dedicated Fund	\$56,100
6	Total	\$24,797,000

7 (d-25) Notwithstanding any other provision of State law to
8 the contrary and in addition to any other transfers that may be
9 provided for by law, on July 1, 2009, or as soon as may be
10 practical thereafter, the State Comptroller shall direct and
11 the State Treasurer shall transfer from each designated fund
12 into the Workers' Compensation Revolving Fund the following
13 amounts:

14	General Revenue Fund	\$55,000,000
15	Road Fund	\$34,803,000
16	Total	\$89,803,000

17 (d-30) Notwithstanding any other provision of State law to
18 the contrary, on or after July 1, 2009 and until June 30, 2010,
19 in addition to any other transfers that may be provided for by
20 law, at the direction of and upon notification of the Director
21 of Central Management Services, the State Comptroller shall
22 direct and the State Treasurer shall transfer amounts into the
23 Workers' Compensation Revolving Fund from the designated funds
24 not exceeding the following totals:

25	Food and Drug Safety Fund	\$13,900
26	Teacher Certificate Fee Revolving Fund	\$6,500

1	Transportation Regulatory Fund	\$14,500
2	Financial Institution Fund	\$25,200
3	General Professions Dedicated Fund	\$25,300
4	Illinois Veterans' Rehabilitation Fund	\$64,600
5	State Boating Act Fund	\$177,100
6	State Parks Fund	\$104,300
7	Lobbyist Registration Administration Fund	\$14,400
8	Agricultural Premium Fund	\$79,100
9	Fire Prevention Fund	\$360,200
10	Mental Health Fund	\$9,725,200
11	Illinois State Pharmacy Disciplinary Fund	\$5,600
12	Public Utility Fund	\$40,900
13	Radiation Protection Fund	\$14,200
14	Firearm Owner's Notification Fund	\$1,300
15	Solid Waste Management Fund	\$74,100
16	Illinois Gaming Law Enforcement Fund	\$17,800
17	Subtitle D Management Fund	\$14,100
18	Illinois State Medical Disciplinary Fund	\$26,500
19	Facility Licensing Fund	\$11,700
20	Plugging and Restoration Fund	\$9,100
21	Explosives Regulatory Fund	\$2,300
22	Aggregate Operations Regulatory Fund	\$5,000
23	Coal Mining Regulatory Fund	\$1,900
24	Registered Certified Public Accountants'	
25	Administration and Disciplinary Fund	\$1,500
26	Weights and Measures Fund	\$56,100

1	Division of Corporations Registered	
2	Limited Liability Partnership Fund	\$3,900
3	Illinois School Asbestos Abatement Fund	\$14,000
4	Secretary of State Special License Plate Fund	\$30,700
5	Capital Development Board Revolving Fund	\$27,000
6	DCFS Children's Services Fund	\$69,300
7	Asbestos Abatement Fund	\$17,200
8	Illinois Health Facilities Planning Fund	\$26,800
9	Emergency Public Health Fund	\$5,600
10	Nursing Dedicated and Professional Fund	\$10,000
11	Optometric Licensing and Disciplinary	
12	Board Fund	\$1,600
13	Underground Resources Conservation	
14	Enforcement Fund	\$11,500
15	Drunk and Drugged Driving Prevention Fund	\$18,200
16	Long Term Care Monitor/Receiver Fund	\$35,400
17	Community Water Supply Laboratory Fund	\$5,600
18	Securities Investors Education Fund	\$2,000
19	Used Tire Management Fund	\$32,400
20	Natural Areas Acquisition Fund	\$101,200
21	Open Space Lands Acquisition	
22	and Development Fund	\$28,400
23	Working Capital Revolving Fund	\$489,100
24	State Garage Revolving Fund	\$791,900
25	Statistical Services Revolving Fund	\$3,984,700
26	Communications Revolving Fund	\$1,432,800

1	Facilities Management Revolving Fund	\$1,911,600
2	Professional Services Fund	\$483,600
3	Motor Vehicle Review Board Fund	\$15,000
4	Environmental Laboratory Certification Fund	\$3,000
5	Public Health Laboratory Services	
6	Revolving Fund	\$2,500
7	Lead Poisoning Screening, Prevention,	
8	and Abatement Fund	\$28,200
9	Securities Audit and Enforcement Fund	\$258,400
10	Department of Business Services	
11	Special Operations Fund	\$111,900
12	Feed Control Fund	\$20,800
13	Tanning Facility Permit Fund	\$5,400
14	Plumbing Licensure and Program Fund	\$24,400
15	Tax Compliance and Administration Fund	\$27,200
16	Appraisal Administration Fund	\$2,400
17	Small Business Environmental Assistance Fund	\$2,200
18	Illinois State Fair Fund	\$31,400
19	Secretary of State Special Services Fund	\$317,600
20	Department of Corrections Reimbursement	
21	and Education Fund	\$324,500
22	Health Facility Plan Review Fund	\$31,200
23	Illinois Historic Sites Fund	\$11,500
24	Attorney General Court Ordered and Voluntary	
25	Compliance Payment Projects Fund	\$18,500
26	Public Pension Regulation Fund	\$5,600

1	Illinois Charity Bureau Fund	\$11,400
2	Renewable Energy Resources Trust Fund	\$6,700
3	Energy Efficiency Trust Fund	\$3,600
4	Pesticide Control Fund	\$56,800
5	Attorney General Whistleblower Reward	
6	and Protection Fund	\$14,200
7	Partners for Conservation Fund	\$36,900
8	Capital Litigation Trust Fund	\$800
9	Motor Vehicle License Plate Fund	\$99,700
10	Horse Racing Fund	\$18,900
11	Death Certificate Surcharge Fund	\$12,800
12	Auction Regulation Administration Fund	\$500
13	Motor Carrier Safety Inspection Fund	\$55,800
14	Assisted Living and Shared Housing	
15	Regulatory Fund	\$900
16	Illinois Thoroughbred Breeders Fund	\$9,200
17	Illinois Clean Water Fund	\$42,300
18	Secretary of State DUI Administration Fund	\$16,100
19	Child Support Administrative Fund	\$1,037,900
20	Secretary of State Police Services Fund	\$1,200
21	Tourism Promotion Fund	\$34,400
22	IMSA Income Fund	\$12,700
23	Presidential Library and Museum Operating Fund ..	\$83,000
24	Dram Shop Fund	\$44,500
25	Illinois State Dental Disciplinary Fund	\$5,700
26	Cycle Rider Safety Training Fund	\$8,700

1	Traffic and Criminal Conviction Surcharge Fund ..	\$106,100
2	Design Professionals Administration	
3	and Investigation Fund	\$4,500
4	State Police Services Fund	\$276,100
5	Metabolic Screening and Treatment Fund	\$90,800
6	Insurance Producer Administration Fund	\$45,600
7	Coal Technology Development Assistance Fund	\$11,700
8	Hearing Instrument Dispenser Examining	
9	and Disciplinary Fund	\$1,900
10	Low-Level Radioactive Waste Facility	
11	Development and Operation Fund	\$1,000
12	Environmental Protection Permit and	
13	Inspection Fund	\$66,900
14	Park and Conservation Fund	\$199,300
15	Local Tourism Fund	\$2,400
16	Illinois Capital Revolving Loan Fund	\$10,000
17	Large Business Attraction Fund	\$100
18	Adeline Jay Geo-Karis Illinois Beach	
19	Marina Fund	\$27,200
20	Public Infrastructure Construction	
21	Loan Revolving Fund	\$1,700
22	Insurance Financial Regulation Fund	\$69,200
23	Total	\$24,197,800

24 (d-35) Notwithstanding any other provision of State law to
25 the contrary and in addition to any other transfers that may be
26 provided for by law, on July 1, 2010, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
 2 the State Treasurer shall transfer from each designated fund
 3 into the Workers' Compensation Revolving Fund the following
 4 amounts:

5	General Revenue Fund	\$55,000,000
6	Road Fund	\$50,955,300
7	Total	\$105,955,300

8 (d-40) Notwithstanding any other provision of State law to
 9 the contrary, on or after July 1, 2010 and until June 30, 2011,
 10 in addition to any other transfers that may be provided for by
 11 law, at the direction of and upon notification of the Director
 12 of Central Management Services, the State Comptroller shall
 13 direct and the State Treasurer shall transfer amounts into the
 14 Workers' Compensation Revolving Fund from the designated funds
 15 not exceeding the following totals:

16	Food and Drug Safety Fund	\$8,700
17	Financial Institution Fund	\$44,500
18	General Professions Dedicated Fund	\$51,400
19	Live and Learn Fund	\$10,900
20	Illinois Veterans' Rehabilitation Fund	\$106,000
21	State Boating Act Fund	\$288,200
22	State Parks Fund	\$185,900
23	Wildlife and Fish Fund	\$1,550,300
24	Lobbyist Registration Administration Fund	\$18,100
25	Agricultural Premium Fund	\$176,100
26	Mental Health Fund	\$291,900

1	Firearm Owner's Notification Fund	\$2,300
2	Illinois Gaming Law Enforcement Fund	\$11,300
3	Illinois State Medical Disciplinary Fund	\$42,300
4	Facility Licensing Fund	\$14,200
5	Plugging and Restoration Fund	\$15,600
6	Explosives Regulatory Fund	\$4,800
7	Aggregate Operations Regulatory Fund	\$6,000
8	Coal Mining Regulatory Fund	\$7,200
9	Registered Certified Public Accountants'	
10	Administration and Disciplinary Fund	\$1,900
11	Weights and Measures Fund	\$105,200
12	Division of Corporations Registered	
13	Limited Liability Partnership Fund	\$5,300
14	Illinois School Asbestos Abatement Fund	\$19,900
15	Secretary of State Special License Plate Fund	\$38,700
16	DCFS Children's Services Fund	\$123,100
17	Illinois Health Facilities Planning Fund	\$29,700
18	Emergency Public Health Fund	\$6,800
19	Nursing Dedicated and Professional Fund	\$13,500
20	Optometric Licensing and Disciplinary	
21	Board Fund	\$1,800
22	Underground Resources Conservation	
23	Enforcement Fund	\$16,500
24	Mandatory Arbitration Fund	\$5,400
25	Drunk and Drugged Driving Prevention Fund	\$26,400
26	Long Term Care Monitor/Receiver Fund	\$43,800

1	Securities Investors Education Fund	\$28,500
2	Used Tire Management Fund	\$6,300
3	Natural Areas Acquisition Fund	\$185,000
4	Open Space Lands Acquisition and	
5	Development Fund	\$46,800
6	Working Capital Revolving Fund	\$741,500
7	State Garage Revolving Fund	\$356,200
8	Statistical Services Revolving Fund	\$1,775,900
9	Communications Revolving Fund	\$630,600
10	Facilities Management Revolving Fund	\$870,800
11	Professional Services Fund	\$275,500
12	Motor Vehicle Review Board Fund	\$12,900
13	Public Health Laboratory Services	
14	Revolving Fund	\$5,300
15	Lead Poisoning Screening, Prevention,	
16	and Abatement Fund	\$42,100
17	Securities Audit and Enforcement Fund	\$162,700
18	Department of Business Services	
19	Special Operations Fund	\$143,700
20	Feed Control Fund	\$32,300
21	Tanning Facility Permit Fund	\$3,900
22	Plumbing Licensure and Program Fund	\$32,600
23	Tax Compliance and Administration Fund	\$48,400
24	Appraisal Administration Fund	\$3,600
25	Illinois State Fair Fund	\$30,200
26	Secretary of State Special Services Fund	\$214,400

1	Department of Corrections Reimbursement	
2	and Education Fund	\$438,300
3	Health Facility Plan Review Fund	\$29,900
4	Public Pension Regulation Fund	\$9,900
5	Pesticide Control Fund	\$107,500
6	Partners for Conservation Fund	\$189,300
7	Motor Vehicle License Plate Fund	\$143,800
8	Horse Racing Fund	\$20,900
9	Death Certificate Surcharge Fund	\$16,800
10	Auction Regulation Administration Fund	\$1,000
11	Motor Carrier Safety Inspection Fund	\$56,800
12	Assisted Living and Shared Housing	
13	Regulatory Fund	\$2,200
14	Illinois Thoroughbred Breeders Fund	\$18,100
15	Secretary of State DUI Administration Fund	\$19,800
16	Child Support Administrative Fund	\$1,809,500
17	Secretary of State Police Services Fund	\$2,500
18	Medical Special Purposes Trust Fund	\$20,400
19	Dram Shop Fund	\$57,200
20	Illinois State Dental Disciplinary Fund	\$9,500
21	Cycle Rider Safety Training Fund	\$12,200
22	Traffic and Criminal Conviction Surcharge Fund ..	\$128,900
23	Design Professionals Administration	
24	and Investigation Fund	\$7,300
25	State Police Services Fund	\$335,700
26	Metabolic Screening and Treatment Fund	\$81,600

1	Insurance Producer Administration Fund	\$77,000
2	Hearing Instrument Dispenser Examining	
3	and Disciplinary Fund	\$1,900
4	Park and Conservation Fund	\$361,500
5	Adeline Jay Geo-Karis Illinois Beach	
6	Marina Fund	\$42,800
7	Insurance Financial Regulation Fund	\$108,000
8	Total	\$13,033,200

9 (e) The term "workers' compensation services" means
10 services, claims expenses, and related administrative costs
11 incurred in performing the duties under Sections 405-105 and
12 405-411 of the Department of Central Management Services Law of
13 the Civil Administrative Code of Illinois and performing
14 similar duties with respect to actions for compensation or
15 treatment for accidental injury or death arising out of and in
16 the course of employment or for compensation or treatment for a
17 disease or death arising out of and in the course of the
18 employment or which has become aggravated and rendered
19 disabling as a result of the exposure of the employment.

20 (Source: P.A. 95-744, eff. 7-18-08; 96-45, eff. 7-15-09;
21 96-959, eff. 7-1-10.)

22 Section 5-910. The Illinois Insurance Code is amended by
23 adding Section 5.1 as follows:

24 (215 ILCS 5/5.1 new)

1 Sec. 5.1. Workplace injuries and occupational diseases.
2 Nothing in this Code shall be construed to require an employer
3 to maintain insurance covering the employer's liability for
4 compensation or treatment for causes of action accruing on or
5 after January 1, 2012.

6 The Department and the Department of Labor shall adopt
7 rules setting forth appropriate insurance or self-insurance
8 requirements for employers with respect to their obligations to
9 employees for causes of action accruing before January 1, 2012.

10 As used in this Section, "cause of action" has the meaning
11 ascribed to that term in Section 5-5 of the Workers'
12 Compensation and Workers' Occupational Diseases Transfer and
13 Transition Act.

14 Section 5-915. The Court of Claims Act is amended by
15 changing Sections 8, 9, and 22 as follows:

16 (705 ILCS 505/8) (from Ch. 37, par. 439.8)

17 Sec. 8. Court of Claims jurisdiction; deliberation
18 periods. The court shall have exclusive jurisdiction to hear
19 and determine the following matters:

20 (a) All claims against the State founded upon any law of
21 the State of Illinois or upon any regulation adopted thereunder
22 by an executive or administrative officer or agency; provided,
23 however, the court shall not have jurisdiction (i) to hear or
24 determine ~~claims arising under the Workers' Compensation Act or~~

1 ~~the Workers' Occupational Diseases Act, or~~ claims for expenses
2 in civil litigation, or (ii) to review administrative decisions
3 for which a statute provides that review shall be in the
4 circuit or appellate court.

5 (b) All claims against the State founded upon any contract
6 entered into with the State of Illinois.

7 (c) All claims against the State for time unjustly served
8 in prisons of this State when the person imprisoned received a
9 pardon from the governor stating that such pardon is issued on
10 the ground of innocence of the crime for which he or she was
11 imprisoned or he or she received a certificate of innocence
12 from the Circuit Court as provided in Section 2-702 of the Code
13 of Civil Procedure; provided, the amount of the award is at the
14 discretion of the court; and provided, the court shall make no
15 award in excess of the following amounts: for imprisonment of 5
16 years or less, not more than \$85,350; for imprisonment of 14
17 years or less but over 5 years, not more than \$170,000; for
18 imprisonment of over 14 years, not more than \$199,150; and
19 provided further, the court shall fix attorney's fees not to
20 exceed 25% of the award granted. On or after the effective date
21 of this amendatory Act of the 95th General Assembly, the court
22 shall annually adjust the maximum awards authorized by this
23 subsection (c) to reflect the increase, if any, in the Consumer
24 Price Index For All Urban Consumers for the previous calendar
25 year, as determined by the United States Department of Labor,
26 except that no annual increment may exceed 5%. For the annual

1 adjustments, if the Consumer Price Index decreases during a
2 calendar year, there shall be no adjustment for that calendar
3 year. The transmission by the Prisoner Review Board or the
4 clerk of the circuit court of the information described in
5 Section 11(b) to the clerk of the Court of Claims is conclusive
6 evidence of the validity of the claim. The changes made by this
7 amendatory Act of the 95th General Assembly apply to all claims
8 pending on or filed on or after the effective date.

9 (d) All claims against the State for damages in cases
10 sounding in tort, if a like cause of action would lie against a
11 private person or corporation in a civil suit, and all like
12 claims sounding in tort against the Medical Center Commission,
13 the Board of Trustees of the University of Illinois, the Board
14 of Trustees of Southern Illinois University, the Board of
15 Trustees of Chicago State University, the Board of Trustees of
16 Eastern Illinois University, the Board of Trustees of Governors
17 State University, the Board of Trustees of Illinois State
18 University, the Board of Trustees of Northeastern Illinois
19 University, the Board of Trustees of Northern Illinois
20 University, the Board of Trustees of Western Illinois
21 University, or the Board of Trustees of the Illinois
22 Mathematics and Science Academy; provided, that an award for
23 damages in a case sounding in tort, other than certain cases
24 involving the operation of a State vehicle described in this
25 paragraph, shall not exceed the sum of \$100,000 to or for the
26 benefit of any claimant. The \$100,000 limit prescribed by this

1 Section does not apply to an award of damages in any case
2 sounding in tort arising out of the operation by a State
3 employee of a vehicle owned, leased or controlled by the State.
4 The defense that the State or the Medical Center Commission or
5 the Board of Trustees of the University of Illinois, the Board
6 of Trustees of Southern Illinois University, the Board of
7 Trustees of Chicago State University, the Board of Trustees of
8 Eastern Illinois University, the Board of Trustees of Governors
9 State University, the Board of Trustees of Illinois State
10 University, the Board of Trustees of Northeastern Illinois
11 University, the Board of Trustees of Northern Illinois
12 University, the Board of Trustees of Western Illinois
13 University, or the Board of Trustees of the Illinois
14 Mathematics and Science Academy is not liable for the
15 negligence of its officers, agents, and employees in the course
16 of their employment is not applicable to the hearing and
17 determination of such claims.

18 (e) All claims for recoupment made by the State of Illinois
19 against any claimant.

20 (f) All claims pursuant to the Line of Duty Compensation
21 Act. A claim under that Act must be heard and determined within
22 one year after the application for that claim is filed with the
23 Court as provided in that Act.

24 (g) All claims filed pursuant to the Crime Victims
25 Compensation Act.

26 (h) All claims pursuant to the Illinois National

1 Guardsman's Compensation Act. A claim under that Act must be
2 heard and determined within one year after the application for
3 that claim is filed with the Court as provided in that Act.

4 (i) All claims authorized by subsection (a) of Section
5 10-55 of the Illinois Administrative Procedure Act for the
6 expenses incurred by a party in a contested case on the
7 administrative level.

8 (j) All claims against the State over which the Illinois
9 Workers' Compensation Commission is divested of jurisdiction
10 on December 31, 2011 under Section 5-10 of the Workers'
11 Compensation and Workers' Occupational Diseases Transfer and
12 Transition Act. Those claims are transferred to the Court of
13 Claims, which assumes jurisdiction over those actions on
14 January 1, 2012. Each such claim shall be decided in accordance
15 with the substantive law that was in effect when the cause of
16 action accrued. Procedure shall be governed by court rule. The
17 Illinois Workers' Compensation Commission shall deliver to the
18 Court of Claims all records, documents, communications, and
19 other materials in its possession relating to those claims and
20 relating to all claims that are on appeal, claims for which the
21 time for filing an appeal has not expired, and claims that may
22 be subject to modification.

23 (k) All claims against the State for compensation or
24 treatment for accidental injury or death arising out of and in
25 the course of employment and for compensation or treatment for
26 a disease or death arising out of and in the course of the

1 employment or which has become aggravated and rendered
2 disabling as a result of the exposure of the employment that
3 accrued before January 1, 2012. Any such claim may be brought
4 within the time limits that were in effect when the cause of
5 action accrued. The claim shall be decided in accordance with
6 the substantive law that was in effect when the cause of action
7 accrued. Procedure shall be governed by court rule.

8 (Source: P.A. 95-970, eff. 9-22-08; 96-80, eff. 7-27-09.)

9 (705 ILCS 505/9) (from Ch. 37, par. 439.9)

10 Sec. 9. The court may: A. Establish rules for its
11 government and for the regulation of practice therein; appoint
12 commissioners to assist the court in such manner as it directs
13 and discharge them at will; and exercise such powers as are
14 necessary to carry into effect the powers granted in this
15 Section. Any Commissioner appointed shall be an attorney
16 licensed to practice law in the State of Illinois. The rules
17 established hereunder shall not be waived, and any extension of
18 time authorized by such rules shall only be allowed on motion
19 duly filed within the time limitation for which the extension
20 is requested.

21 B. Issue subpoenas through the Chief Justice or one of its
22 judges or commissioners to require the attendance of witnesses
23 for the purpose of testifying before it, or before any judge of
24 the court, or before any notary public, or any of its
25 commissioners, and to require the production of any books,

1 records, papers or documents that may be material or relevant
2 as evidence in any matter pending before it. In case any person
3 refuses to comply with any subpoena issued in the name of the
4 chief justice, or one of the judges or commissioners, attested
5 by the clerk, with the seal of the court attached, and served
6 upon the person named therein as a summons in a civil action is
7 served, the circuit court of the proper county, on application
8 of the party at whose instance the subpoena was issued, shall
9 compel obedience by attachment proceedings, as for contempt, as
10 in a case of a disobedience of the requirements of a subpoena
11 from such court on a refusal to testify therein.

12 C. Enter temporary orders providing for medical care,
13 rehabilitation, disability payments, and other appropriate
14 temporary relief in accordance with the relevant standards of
15 Section 8 of the Workers' Compensation Act as that Section
16 existed immediately before its repeal in claims against the
17 State for compensation or treatment for accidental injury or
18 death arising out of and in the course of employment and for
19 compensation or treatment for a disease or death arising out of
20 and in the course of the employment or which has become
21 aggravated and rendered disabling as a result of the exposure
22 of the employment that accrue on or after January 1, 2012,
23 notwithstanding the repeal of the Workers' Compensation Act and
24 the Workers' Occupational Diseases Act. A temporary order may
25 be revoked or modified before final judgment for good cause
26 shown. A temporary order terminates when a final judgment is

1 entered or when the action is dismissed.

2 (Source: P.A. 83-865.)

3 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

4 Sec. 22. Except as otherwise provided in subsection (k) of
5 Section 8, every ~~Every~~ claim cognizable by the Court and not
6 otherwise sooner barred by law shall be forever barred from
7 prosecution therein unless it is filed with the Clerk of the
8 Court within the time set forth as follows:

9 (a) All claims arising out of a contract must be filed
10 within 5 years after it first accrues, saving to minors, and
11 persons under legal disability at the time the claim accrues,
12 in which cases the claim must be filed within 5 years from the
13 time the disability ceases.

14 (b) All claims cognizable against the State by vendors of
15 goods or services under "The Illinois Public Aid Code",
16 approved April 11, 1967, as amended, must file within one year
17 after the accrual of the cause of action, as provided in
18 Section 11-13 of that Code.

19 (c) All claims arising under paragraph (c) of Section 8 of
20 this Act must be automatically heard by the court within 120
21 days after the person asserting such claim is either issued a
22 certificate of innocence from the Circuit Court as provided in
23 Section 2-702 of the Code of Civil Procedure, or is granted a
24 pardon by the Governor, whichever occurs later, without the
25 person asserting the claim being required to file a petition

1 under Section 11 of this Act, except as otherwise provided by
2 the Crime Victims Compensation Act. Any claims filed by the
3 claimant under paragraph (c) of Section 8 of this Act must be
4 filed within 2 years after the person asserting such claim is
5 either issued a certificate of innocence as provided in Section
6 2-702 of the Code of Civil Procedure, or is granted a pardon by
7 the Governor, whichever occurs later.

8 (d) All claims arising under paragraph (f) of Section 8 of
9 this Act must be filed within the time set forth in Section 3
10 of the Line of Duty Compensation Act.

11 (e) All claims arising under paragraph (h) of Section 8 of
12 this Act must be filed within one year of the date of the death
13 of the guardsman or militiaman as provided in Section 3 of the
14 "Illinois National Guardsman's and Naval Militiaman's
15 Compensation Act", approved August 12, 1971, as amended.

16 (f) All claims arising under paragraph (g) of Section 8 of
17 this Act must be filed within one year of the crime on which a
18 claim is based as provided in Section 6.1 of the "Crime Victims
19 Compensation Act", approved August 23, 1973, as amended.

20 (g) All claims arising from the Comptroller's refusal to
21 issue a replacement warrant pursuant to Section 10.10 of the
22 State Comptroller Act must be filed within 5 years after the
23 issue date of such warrant.

24 (h) All other claims must be filed within 2 years after it
25 first accrues, saving to minors, and persons under legal
26 disability at the time the claim accrues, in which case the

1 claim must be filed within 2 years from the time the disability
2 ceases.

3 (i) The changes made by this amendatory Act of 1989 shall
4 apply to all warrants issued within the 5 year period preceding
5 the effective date of this amendatory Act of 1989.

6 (j) All time limitations established under this Act and the
7 rules promulgated under this Act shall be binding and
8 jurisdictional, except upon extension authorized by law or rule
9 and granted pursuant to a motion timely filed.

10 (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08;
11 96-328, eff. 8-11-09.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2012."